

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

----- X

MEAGHAN BRENNAN,

Plaintiff,

-against-

COMPLAINT

Jury Trial Demanded

Police Officer ALDO YUBINI, Shield No. 8600;
and JOHN and JANE DOE 1 through 10,
individually and in their official capacities (the
names John and Jane Doe being fictitious, as the
true names are presently unknown),

Defendants.

----- X

NATURE OF THE ACTION

1. This is an action to recover money damages arising out of the violation of plaintiff's rights under the Constitution.

JURISDICTION AND VENUE

2. This action is brought pursuant to 42 U.S.C. §§ 1983 and 1988, and the Fourth and Fourteenth Amendments to the Constitution of the United States.

3. The jurisdiction of this Court is predicated upon 28 U.S.C. §§ 1331 and 1343.

4. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391 (b) and (c).

JURY DEMAND

5. Plaintiff demands a trial by jury in this action.

PARTIES

6. Plaintiff Meaghan Brennan (“plaintiff” or “Ms. Brennan”) is a resident of Richmond County in the City and State of New York.

7. Defendant Police Officer Aldo Yubini, Shield No. 8600 (“Yubini”), at all times relevant herein, was an officer, employee and agent of the NYPD. Defendant Yubini is sued in his individual and official capacities.

8. At all times relevant defendants John and Jane Doe 1 through 10 were police officers, detectives or supervisors employed by the NYPD. Plaintiff does not know the real names and shield numbers of defendants John and Jane Doe 1 through 10.

9. At all times relevant herein, defendants John and Jane Doe 1 through 10 were acting as agents, servants and employees of defendant City of New York and the NYPD. Defendants John and Jane Doe 1 through 10 are sued in their individual and official capacities.

10. At all times relevant herein, all individual defendants were acting under color of state law.

STATEMENT OF FACTS

11. At approximately 3:00 p.m. on April 28, 2012, plaintiff was arrested in the vicinity of 17 Amber Street in Staten Island, New York.

12. Ms. Brennan, an insulin-dependent Type 1 Diabetic, was taken to a police precinct where she began to feel sick, nauseated and dizzy.

13. Ms. Brennan asked defendant officers several times for her insulin medication or for medical attention but they refused.

14. Ms. Brennan continued feeling sick and to request medical attention.

15. Defendants continued to deny her requests for treatment.

16. After several hours, plaintiff was taken to Staten Island University Hospital.

17. Ms. Brennan was taken back to the precinct and was eventually taken to Richmond County Central Booking where she remained for hours, still without her insulin medication.

18. During the entire process, Ms. Brennan felt sick and complained of her lack of insulin and continuing need for medical treatment.

19. After repeated requests by plaintiff, defendants threatened to significantly extend Ms. Brennan's detention if she insisted on obtaining medical treatment.

20. Fearful, plaintiff waited for her arraignment, notwithstanding feeling gravely sick.

21. Plaintiff was arraigned. During her arraignment, she felt dizzy, nauseated and could not speak.

22. Shortly after being released from custody, a friend had to call an ambulance for Ms. Brennan who felt gravely ill, dizzy, was unable to speak, had blurred vision and was dehydrated.

23. Ms. Brennan was admitted to Staten Island University Hospital where she was treated for acute Diabetic Ketoacidosis, a life threatening complication of diabetes.

24. Ms. Brennan had never before suffered from Diabetic Ketoacidosis and its onset was directly caused by the deliberate indifference of the defendants to her medical needs.

25. As a direct result of defendants' deliberate indifference, Ms. Brennan continues to suffer from medical complications requiring further hospitalization and treatment, including recurring symptoms of Diabetic Ketoacidosis. Plaintiff also suffered pain, serious bodily injury, emotional distress, mental anguish, fear and anxiety.

FIRST CLAIM
Deliberate Indifference to Medical Needs

26. Plaintiff repeats and realleges each and every allegation as if fully set forth herein.

27. The individual defendants were aware of a risk to plaintiff's safety and a need for medical care and failed to act in deliberate indifference to plaintiff's needs.

28. Accordingly, defendants violated the Fourteenth Amendment because they acted with deliberate indifference to plaintiff's medical needs.

29. As a direct and proximate result of this unlawful conduct, plaintiff sustained the damages hereinbefore alleged.

SECOND CLAIM
Failure To Intervene

30. Plaintiff repeats and realleges each and every allegation as if fully set forth herein.

31. Those defendants that were present but did not actively participate in the aforementioned unlawful conduct observed such conduct, had an opportunity prevent such conduct, had a duty to intervene and prevent such conduct and failed to intervene.

32. Accordingly, the defendants who failed to intervene violated the Fourth and Fourteenth Amendments.

33. As a direct and proximate result of this unlawful conduct, plaintiff sustained the damages hereinbefore alleged.

PRAYER FOR RELIEF

WHEREFORE, plaintiff respectfully requests judgment against defendants as follows:

- (a) Compensatory damages against all defendants, jointly and severally;
- (b) Punitive damages against the individual defendants, jointly and severally;
- (c) Reasonable attorneys' fees and costs pursuant to 28 U.S.C. § 1988; and
- (d) Such other and further relief as this Court deems just and proper.

DATED: January 9, 2013
New York, New York

HARVIS WRIGHT
SALEEM & FETT LLP



Bareen N. Fett
305 Broadway, 14th Floor
New York, New York 10007
(212) 323-6880
bfett@hwsflegal.com

Attorney for plaintiff